

4.4 Cultural Resources

4.4.1 Environmental Setting

PHYSICAL SETTING

Cultural resources are defined as buildings, sites, structures, or objects that may have historical, architectural, archaeological, paleontological, cultural, or scientific importance. The City of Belmont conducted a Historic Resources Inventory in 1991 that identifies 52 historical buildings and structures. A comprehensive record search by the Northwest Information Center of the California Historic Resources Information System (CHRIS) identified additional historical resources as well as three prehistoric archaeological sites. Figure 4.4-1 shows the cultural resources in the Planning Area.

History of Belmont

Before the Spanish colonization, the Belmont region was home to Salson and Lhamshin people. As California became a state in the Union in the mid-nineteenth century, Belmont experienced its first development boom, which included the railroad construction and the development of a commercial core (the “Corners”) along Old County Road. In the late 1860s, entrepreneur William Chapman Ralston built the renowned mansion, Ralston Hall, which has become Belmont’s most important historic landmark. Belmont was incorporated as a city in the early twentieth century. Around the same time, Notre Dame de Namur University was relocated to Belmont, and became one of the most important cultural and historic landmarks of the city. The City of Belmont, similar to many regions in the Bay Area, experienced a population and housing boom in the 1950s and 1960s. The population growth tapered in the 1970s and has remained relatively stable since that time.

Historic Resources

Historic resources are standing structures of historic or aesthetic significance. In California, architectural sites dating from the Spanish Period (1529-1822) through the early years of the Depression (1929-1930) are often considered for determination as historically or architecturally significant. These may include missions, historic ranch lands, and structures from the Gold Rush and the region’s early industrial era. Post-Depression sites may also be considered significant if they could gain historic significance in the future. Historic resources are often associated with archaeological deposits of the same age.

1991 City of Belmont Historical Resources Inventory

The City of Belmont conducted a historical resource inventory (the Inventory) in 1991, which identifies two historic districts and 52 historic buildings and structures. Table 4.4-1 shows existing historic resources listed in the Inventory, which includes some resources listed on the National Register and on the California Office of Historic Preservation Historic Properties Directory.

Table 4.4-1: City of Belmont Historical Resources Inventory (1991)

Address		Year Built	Style	Designation ¹	Significance ²
600	Alameda de las Pulgas			HR	Arch
709	Alameda de las Pulgas	1925	French Eclectic	NE	
751	Alameda de las Pulgas			L	Arch/Hist
790	Alameda de las Pulgas			L	Arch/Hist
838	Alameda de las Pulgas			HR	Arch
1060	Alameda de las Pulgas	1920	Mission Revival	L; HR; NE	Arch/Hist
903	Avon St.	1927	Tudor Revival	HR; C	Arch
904	Avon St.	1927	Tudor Revival	HR; C	Arch
909	Avon St.	1927	Tudor Revival	HR; C	Arch
910	Avon St.	1927	Tudor Revival	HR; C	Arch
913	Avon St.	1927	Tudor Revival	HR; C	Arch
1617	Belburn Dr.	1928	Tudor Revival	HR; C	Arch/Hist
1703	Belburn Dr.	1927	Tudor Revival	HR; C	Arch
1705	Belburn Dr.	1927	Tudor Revival	HR; C	Arch
1789	Belburn Dr.	1927	Tudor Revival	HR; C	Arch
1801	Belburn Dr.	1927	Tudor Revival	L	Arch/Hist
1803	Belburn Dr.	1927	Tudor Revival	HR; C	Arch
2200	Carlmont Dr.			L	Arch/Hist
1	Davey Glen Rd.	1890	Queen Anne/ T.R.	L; NE	Hist
730	El Camino Real			CA; HR	Arch
1426-28	El Camino Real			HR	Arch
1240	Elmer			HR	Arch
1255	Fifth Ave.	1907	Vernacular	HR; C	Arch
1300	Fifth Ave.			CA; L	Arch/Hist
1602	Francis Ave.			HR	Arch/Hist
525	Kingston Rd.			HR	Arch
600	Kingston Rd.	1927	Tudor Revival	L; NE	Arch
2351	Lyall Way			HR	Arch/Hist
2020	Mezes Ave.			HR	Arch
588	Middle Rd.			HR	Arch/Hist

Table 4.4-1: City of Belmont Historical Resources Inventory (1991)

<i>Address</i>	<i>Year Built</i>	<i>Style</i>	<i>Designation¹</i>	<i>Significance²</i>
1110 Old County Rd.			HR	Arch/Hist
875 O'Neill	1936	Spanish Eclectic	CA; L	Arch/Hist
900 O'Neill	1928	English Cottage	HR; C	Arch
700 Ralston Ave.	1903	Commercial	L; NE	Arch/Hist
843 Ralston Ave. ³			L	Arch/Hist
1085 Ralston Ave.	1907	Mission Revival	L; NE	Arch/Hist
1403 Ralston Ave.			HR	Arch
1500 Ralston Ave. (3 Sites) ⁴	1864	Italianate	N; CA; L	Arch/Hist
1085 Sixth Ave.			HR	Arch
1201 Sixth Ave.	1928	English Cottage	HR; C	Arch
1235 Sixth Ave.	1900	Queen Anne	HR; C	Arch
1265 Sixth Ave.	1905	Eastern Shingle	HR; C	Arch
1441 Sixth Ave.			HR	Arch
1457 Sixth Ave.			HR	Arch
1556 Sixth Ave.	1925	Spanish Eclectic	L; NE	Arch
857 South Rd	1907	Mission Revival	L; NE	Arch
1441 Sunnyslope Ave.			HR	Arch
845 Waltermire St.	1923	Bungalow	HR; C	Arch
901 Waltermire St.	1905	Eastern Shingle	HR; C	Arch/Hist
925 Waltermire St.	1924	Bungalow	HR; C	Arch
935 Waltermire St.	1920	Colonial Revival (Federal)	HR; C	Arch
955 Waltermire St.	1928	Bungalow	HR; C	Arch

Note:

1. N = Listed on the National Register of Historic Resources; NE = Eligible for the National Register of Historic Resources; CA = Listed on the California Office of Historic Preservation Historic Properties Directory; L = Local Landmark (Highest Importance); HR = Local Historic Resource (Major Importance); C = Local Building Contributing in a Historic District.

2. Arch = Architectural; Hist = Historical.

3. This is the former address of the Emmett House, which was moved in 2008 from its original location at 843 Ralston Avenue to its present location at 1000 O'Neill Avenue.

4. Includes Ralston Hall, Chapel/Conference Center, Carriage House/Art Center.

Source: *Historical Resources Inventory, City of Belmont, 1991.*

Local Register of Historic Structures

Historic Districts

The City's Inventory identifies two historic districts—Belburn Village Historic District and Waltermire Historic District.

The Belburn Village Historic District consists of a two block area along Belburn Drive and Avon Street. It was one of the ten subdivisions in northwest Belmont by the Belmont Country Club Properties after the incorporation of the City in the late 1920s. It was also the largest, single-development real estate project in the history of Belmont. However, due to poor financial planning and the following economic depression, the Belburn Village was only partially built out. All residences in the Belburn Village, most of which are in the Tudor Revival style, were built in a two-year period between 1927 and 1928. The development of these residences initiated the residential growth of the community.

The Waltermire Historic District consists of approximately two city blocks bounded by El Camino Real, Sixth Avenue, Waltermire Street, and O'Neill Avenue, and is located within the BVSP Planning Area. It is the oldest Belmont neighborhood that remains intact. Furthermore, it represents the highest concentration of early residential buildings in the context of Belmont's working class. The buildings were built between 1905 and 1936 and have a variety of architectural styles, including Queen Ann, Shingle, Colonial Revival, Bungalow, Spanish Eclectic, and English Cottage. A 1936 Spanish Eclectic Firehouse, located on the southeast corner of O'Neill at Fifth Avenue, is included in the district. Consistent with the proposed BVSP, the Firehouse is proposed to be redeveloped as part of the Firehouse Square development project, which would create a mixed use housing development at the Firehouse site as well as on several parcels adjacent to it. Based on a historical evaluation by Archaeological Resource Management completed for the project applicant, the Firehouse was determined to be historically significant.

Figure 4.4-2 shows the historic resources in Belmont Village. In addition to the Waltermire Historic District and the Firehouse described above, the BVSP Area contains numerous other historic resources. On the southwest corner of O'Neill and Fifth Avenues stands the Redwood Gothic Church of the Good Shepherd, which was relocated here from the "Corners." The church is listed on the California Points of Historic Interest program. Also adjacent to the district, on the west side of Sixth Avenue, stand the relocated Emmett house and a restored Victorian residence. During the 1920s building boom, the neighboring Belmont Heights tract to the south was developed, and a number of representative Spanish Eclectic homes remain in the blocks surrounding Sunnyslope and Broadway. Also of note is the Twin Pines Manor, a former sanitarium and residence constructed in the Mission Revival style of architecture in the early 1900s. The Manor is located in Twin Pines Park.

Landmarks and Structures

Of the 52 historic landmarks and structures in the city of Belmont, only one is listed in the National Register of Historic Places and nine are considered meeting the National Register criteria. These buildings include many residences, commercial buildings, and other religious and public facilities. There are 12 resources listed on the State of California Office of Historic Preservation Historic Properties Directory.

Ralston Hall, located in the Notre Dame de Namur University, is both a National Historic Landmark and a State Landmark. Built in 1868, Ralston Hall was originally a summer home of the prominent entrepreneur William Chapman Ralston. It became an asset of the Notre Dame de Namur University and was then used as classrooms, administrative offices, and event venues. In 2012, the building was considered unsafe in earthquake events and was closed to the public.

Other Historic Resources

Since the City's inventory in 1991, more buildings and structures have been deemed historically significant by regional and State agencies. For example, the Manor Building, located in Twin Pines Park, is a city landmark and houses the Belmont Historical Society, which provides historical information about the city. Figure 4.4-1 shows the location of Belmont's historic resources that are currently listed as local, State, and national historic resources, as well as local resources that meet National Register criteria. Table 4.4-2 shows a list of historic and prehistoric resources in Belmont found by the Northwest Information Center of the California Historic Resources Information System, which is one of ten information centers affiliated with the State of California Office of Historic Preservation, through a comprehensive record search in 2014. Some of the properties may be listed on the City's 1991 Inventory, which is shown in Table 4.4-1.

Table 4.4-2: Historic Resources Listing from Multiple Sources

<i>Name</i>	<i>Type</i>	<i>Age</i>	<i>Designation¹</i>	<i>Source²</i>
Nelson 362 ³	Site	Prehistoric		NWIC
N/A ³	Site	Prehistoric		NWIC
Davey Glen Site	Building, Structure, Site	Prehistoric, Historic		NWIC
Firehouse at 875 O'Neil Ave	Building	Historic	CA	OHP HPD, NWIC
397 Oxford Way	Building	Historic	CA	OHP HPD, NWIC
399 Oxford Way	Building	Historic	CA	OHP HPD, NWIC
401 Oxford Way	Building	Historic	CA	OHP HPD, NWIC
403 Oxford Way	Building	Historic	CA	OHP HPD, NWIC
405 Oxford Way	Building	Historic	CA	OHP HPD, NWIC
401-403 Wessex Way	Building	Historic	CA	OHP HPD, NWIC
404-406 Wessex Way	Building	Historic	CA	OHP HPD, NWIC
Nell Building	Building	Historic		NWIC
T-Mobile SF53298A/PG&E Utility Pole	Structure	Historic		NWIC
Waltermire Historic District	District	Historic		NWIC
1300 5 th Ave	Building	Historic	CA	OHP HPD
730 El Camino Real	Building	Historic	CA	OHP HPD
843 Ralston Ave. ⁵	Building	Historic		OHP HPD
1500 Ralston Ave.	Building, Site	Historic	N; CA	OHP HPD

Table 4.4-2: Historic Resources Listing from Multiple Sources

Name	Type	Age	Designation ¹	Source ²
2204 Thurn Ave.	Building	Historic	CA	OHP HPD
Ralston House	Building	Historic		Other ⁴

Notes:

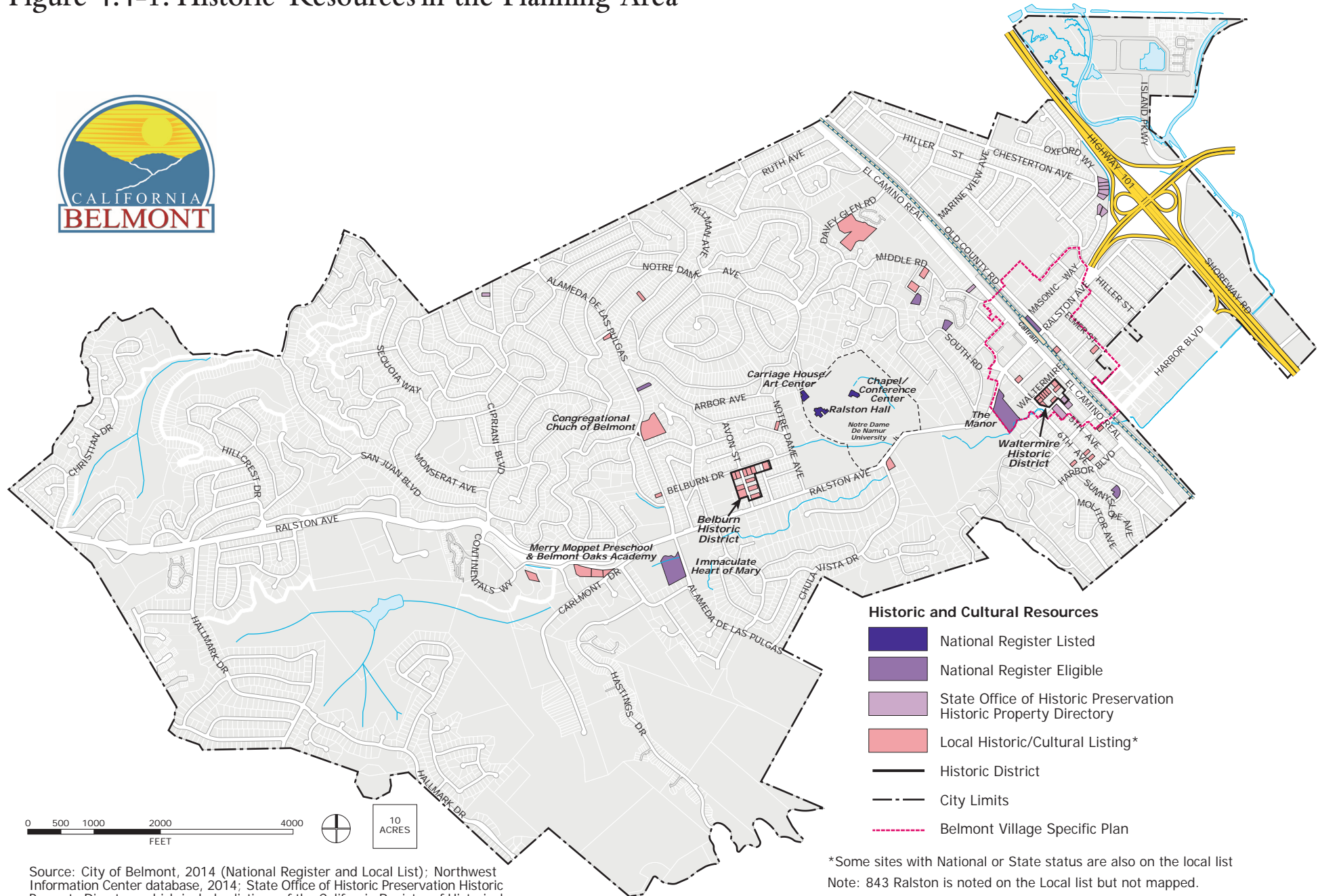
1. N = Listed on the National Register of Historic Resources; CA = Listed on the California Office of Historic Preservation Historic Properties Directory.
2. NWIC: Northwest Information Center database; OHP HPD: State Office of Historic Preservation Historic Property Directory, which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places.
3. NWIC record search did not supply a resource name or location for this prehistoric site, in order to protect the site from potential vandalism or disturbance. It is not known whether the site is inside or outside the BVSP Area.
4. California Inventory of Historic Resources and San Mateo County-Its History and Heritage.
5. This is the former address of the Emmett House, which was moved in 2008 from its original location at 843 Ralston Avenue to its present location at 1000 O'Neill Avenue.

Sources: Northwest Information Center (NWIC), California Historical Resources Information System (CHRIS), State Office of Historic Preservation Historic Property Directory (OHP HPD); 1976 California Inventory of Historic Resources; San Mateo County-Its History and Heritage.

Unmarked Cemeteries

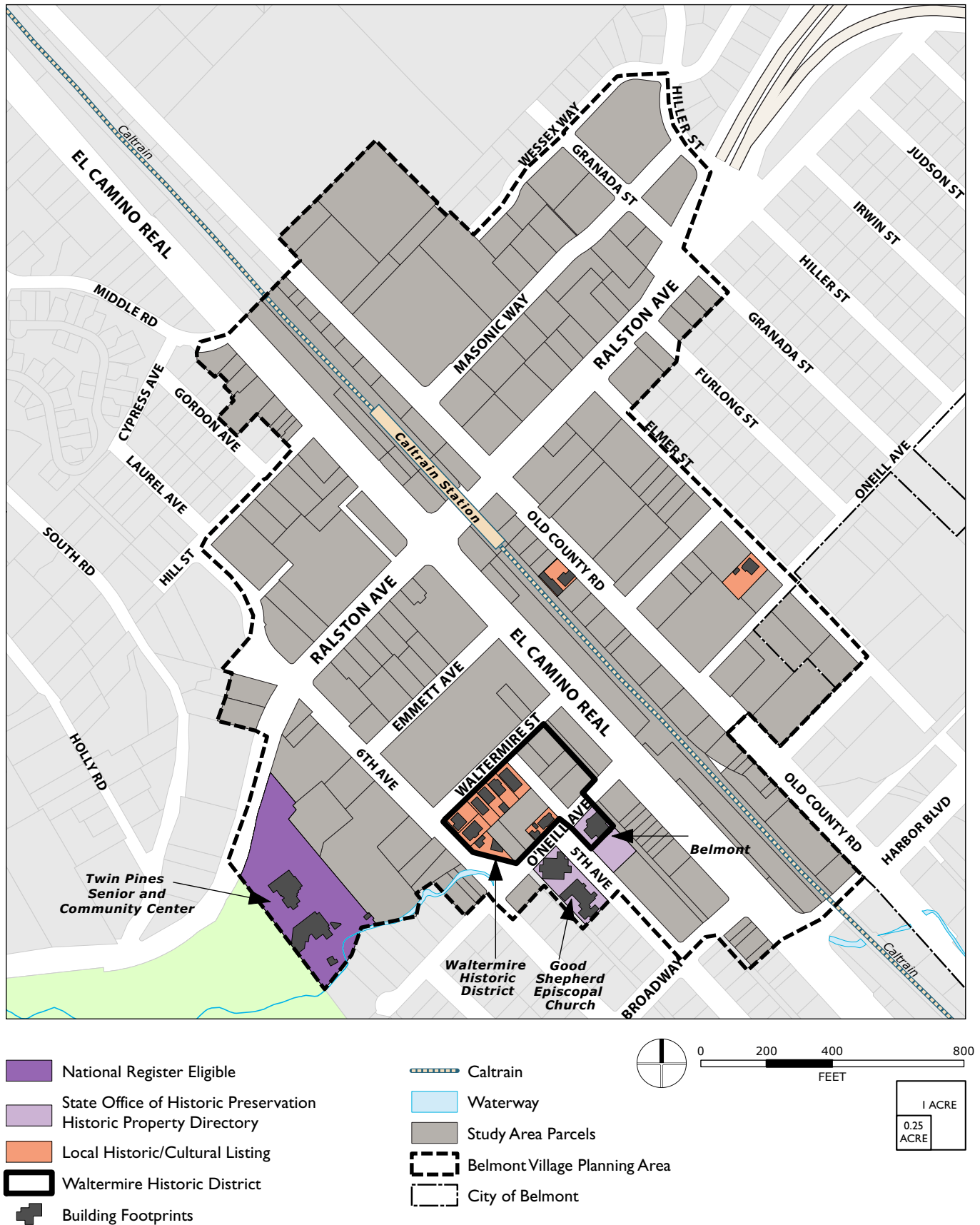
At least one unmarked cemetery is known to exist in the vicinity of the Planning Area. Founded in July of 1876, the San Mateo County Poor Farm and Hospital housed the county's indigent in a building where they tended to gardening and livestock. They were required to provide food and care to the county's ill and impoverished who lived in a different building. The Poor Farm Cemetery served to inter the deceased from the Poor Farm starting in 1894. The last burial was recorded in 1936. Containing 550 to 600 interments, the Cemetery was important in protecting public health during the epidemics of tuberculosis and bubonic plague. The Cemetery is located at Tower Road and Polhemus Road, near Highway 92, adjacent to but outside of the Belmont city limits. While formally outside the Planning Area of the Proposed Project, the cemetery is valued by the community as a cultural resource.

Figure 4.4-1: Historic Resources in the Planning Area



*Some sites with National or State status are also on the local list
Note: 843 Ralston is noted on the Local list but not mapped.

Figure 4.4-2: Historic Resources in Belmont Village



Source: City of Belmont, 2014 (National Register and Local List); Northwest Information Center database, 2014; State Office of Historic Preservation Historic Property Directory which includes listings of the California Register of Historical Resources, California Historical Landmarks, California State Points of Interest, and the National Register of Historic Places

Archaeological Resources

At this time, many of Belmont's resources that were revealed in the records search are historic resources, which are discussed above. Two additional resources were identified as prehistoric archaeological sites, but CHRIS does not provide their specific locations in order to protect sites from looting. One multicomponent resource was identified that contains a prehistoric habitation site and a historic house, Davey Glen Site. Potentially unrecorded archaeological sites may exist in Belmont, particularly along Belmont and Laurel creeks, near wetlands areas, and in the foothill to valley ecotones (ecological transition areas). Any resources discovered must be evaluated, following CEQA requirements. There are no archaeological sites currently listed on the National Register of Historic Places in Belmont.

Tribal Cultural Resources

At this time, no additional sites, features, places, cultural landscapes, sacred places, or objects with cultural value that are not already identified as archeological or historical resources have been identified. In December of 2014, the City contacted five tribes to determine if any tribal cultural resources are located within the area affected by the Proposed Project, however, no requests for consultation were received, and the City is unaware of any substantial evidence that suggests additional tribal cultural resources may be present.

REGULATORY SETTING

Federal Regulations

National Historic Preservation Act

The National Historic Preservation Act (NHPA) is the most prominent federal law dealing with historic preservation. The NHPA establishes guidelines to "preserve important historic, cultural, and natural aspects of our national heritage, and to maintain, wherever possible, an environment that supports diversity and a variety of individual choice." The NHPA includes regulations specifically for federal land-holding agencies, but also includes regulations (Section 106) which pertain to all projects that are funded, permitted, or approved by any federal agency and which have the potential to affect cultural resources. All projects that are subject to the National Environmental Policy Act (NEPA) are also subject to compliance with Section 106 of the NHPA. Furthermore, all projects that are carried out by Caltrans are also subject to Section 106. At the federal level, the Office of Historic Preservation (OHP) carries out reviews under Section 106 of the NHPA.

The Section 106 review process normally involves a four-step procedure described in detail in the Section 106 Regulations (36 CFR Part 800):

- Identify and evaluate historic properties in consultation with the State Historic Preservation Office (SHPO) and interested parties;
- Assess the effects of the undertaking on properties that are eligible for inclusion in the National Register of Historic Places (NRHP);
- Consult with the SHPO, other agencies, and interested parties to develop an agreement that addresses the treatment of historic properties and notify the Advisory Council on Historic Preservation; and
- Proceed with the project according to the conditions of the agreement.

National Register of Historic Places

NHPA authorizes the Secretary of the Interior to establish a National Register of Historic Places (National Register, or NRHP), an inventory of districts, sites, buildings, structures, and objects significant on a national, State, or local level in American history, architecture, archeology, engineering, and culture. The National Register is maintained by the National Park Service, the Advisory Council on Historic Preservation, State Historic Preservation Office, and grants-in-aid programs.

National Environmental Policy Act (NEPA)

The National Environmental Policy Act (NEPA) was signed into law on January 1, 1970. NEPA created an environmental review process requiring federal agencies to consider the effects of their actions on the environment. Under NEPA, all federal agencies must carry out their regulations, policies, and programs in accordance with NEPA's policies for environmental protection, including project compliance with Section 106 of the National Historic Preservation Act, as previously discussed.

The Secretary of the Interior Standards and Guidelines for Archaeology and Historic Preservation

The Secretary of the Interior Standards and Guidelines for Archaeology and Historic Preservation are not regulatory and do not set or interpret agency policy. They are intended to provide technical advice about archeological and historic preservation activities and methods. Federal agency personnel responsible for cultural resource management pursuant to section 110 of the National Historic Preservation Act, State Historic Preservation Offices responsible under the National Historic Preservation Act, local governments wishing to establish a comprehensive approach, and other individuals and organizations needing basic technical standards and guidelines for historic preservation activities are encouraged to use these standards.

National Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act (NAGPRA) was passed in 1990 to provide for the protection of Native American graves. The act conveys to Native American's of demonstrated lineal descent, the human remains, including the funerary or religious items, that are held by federal agencies and federally supported museums, or that have been recovered from federal lands. NAGPRA makes the sale or purchase of Native American remains illegal, whether or not they were derived from federal or Native American lands.

State Regulations

Office of Historic Preservation

The mission of the SHPO and the State Historical Resources Commission (SHRC) is to preserve and enhance California's irreplaceable historic heritage as a matter of public interest so that its vital legacy of cultural, educational, recreational, aesthetic, economic, social, and environmental benefits will be maintained and enriched for present and future generations.¹ California Public Resources

¹ Office of Historic Preservation, <http://ohp.parks.ca.gov/?page_id=1054>.

Code 5024 requires consultation with the State Historic Preservation Officer when a project may impact historical resources located on State-owned land.

California Register of Historic Resources

The SHPO maintains the California Register of Historic Resources (California Register). Historic properties listed, or formally designated for eligibility to be listed, on the National Register are automatically listed on the California Register (PRC Section 5024.1). State Landmarks and Points of Interest are also automatically listed. The California Register can also include properties designated under local preservation ordinances or identified through local historic resource surveys.

For a historic resource to be eligible for listing on the California Register, it must be significant at the local, State, or national level under one or more of the following four criteria:

- It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
- It is associated with the lives of persons important to local, California, or national history;
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
- It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation (California Public Resources Code).

California Environmental Quality Act

21083.2: Archaeological Resources

CEQA directs the lead agency on any project undertaken, assisted, or permitted by the State to include in its environmental impact report for the project a determination of the project's effect on unique archeological resources. Public Resources Code section 21083.2 defines unique archeological resource; enables a lead agency to require an applicant to make reasonable effort to preserve or mitigate impacts to any affected unique archeological resource; sets requirements for the applicant to provide payment to cover costs of mitigation; and restricts excavation as a mitigation measure.

21084.1: Historic Resources

CEQA establishes that adverse effects on an historical resource qualifies as a significant effect on the environment; and defines historical resource.

CEQA Guidelines

Section 15064.5 of CEQA guidelines define three ways that a property can qualify as a significant historical resource for the purposes of CEQA review:

1. If the resource is listed in or determined eligible for listing in the California Register of Historical Resources;

2. If the resource is included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code, or is identified as significant in a historical resource survey meeting the requirements of section 5024.1(g) of the Public Resources Code unless a preponderance of evidence demonstrates that it is not historically or culturally significant; or
3. If the lead agency determines the resource to be significant as supported by substantial evidence (California Code of Regulations, Title 14, Division 6, Chapter 3, section 15064.5).

In addition to determining the significance and eligibility of any identified historical resource under CEQA and the California Register, historic properties must be evaluated under the criteria for the National Register should federal funding or permitting become involved in any undertaking subject to this document.

CEQA GUIDELINES ON MITIGATION OF CULTURAL RESOURCES IMPACTS

CEQA Guidelines Section 15126.4 states that “public agencies should, whenever feasible, seek to avoid damaging effects on any historical resources of an archeological nature.” The Guidelines further state that preservation-in-place is the preferred approach to mitigate impacts on archaeological resources. However, according to Section 15126.4, if data recovery through excavation is “the only feasible mitigation,” then a “data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resources, shall be prepared and adopted prior to any excavation being undertaken.” Data recovery is not required for a resource of an archaeological nature if “the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource.” The section further states that its provisions apply to those archaeological resources that also qualify as historic resources.

Assembly Bill AB 52, Public Resources Code Section 21074

With the adoption of Assembly Bill (AB) 52 (effective 2015), impacts to tribal cultural resources must also be addressed under CEQA. As defined in Public Resources Code Section 21074, a tribal cultural resource is a site, feature, place, cultural landscape, sacred place, or object with cultural value to a “California Native American tribe,” that is either on, or eligible for inclusion in, the California Register of Historic Resources or a local historic register, or is a resource that the lead agency (in this case the City of Belmont), at its discretion and supported by substantial evidence, determines should be treated as a tribal cultural resource. Assembly Bill (AB) 52 also provides both federal and non-federally recognized tribes the right to formal consultation with project lead agencies. Future projects that implement the Proposed Project will continue to be subject to the requirements, and tribal consultation may be required if requests for consultation are subsequently received.

California Government Code Section 65040.2(g)

California Government Code Section 65040.2(g) provides guidelines for consulting with Native American tribes for the following: (1) the preservation of, or the mitigation of impacts to places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code; (2) procedures for identifying through the Native American Heritage Commission (NAHC) the appropriate California Native American tribes; (3) procedures for continuing to protect the confidentiality of information concerning the specific identity, location, character, and use of those

places, features, and objects; and (4) procedures to facilitate voluntary landowner participation to preserve and protect the specific identity, location, character, and use of those places, features, and objects.

Public Notice to California Native American Indian Tribes

Government Code, Section 65092 includes California Native American tribes that are on the contact list maintained by the NAHC in the definition of “person” to whom notice of public hearings shall be sent by local governments.

Tribal Consultation Guidelines

Passed in 2004, SB 18 (Burton, D-San Francisco) now Government Code Section 65351 and 65352 established a procedure to help tribes and jurisdictions define tribal cultural resources and sacred areas more clearly and incorporate protection of these places earlier into the General Plan and Specific Plan processes. The SB 18 process mirrors the federal 106 Review process used by archaeologists as part of the environmental review conducted under NEPA (36 CFR Part 800.16). The Lead Agency is required to request consultation with responsible and trustee agencies, such as NAHC and neighboring tribes, during the initial study and EIR process (PRC 21080.3, 21080.4). The Lead Agency is also required to provide notice of any project to any California Native American Tribe who so requests, and then the Lead Agency is required to consult with any such tribe who requests consultation in writing within 30 days of receipt of formal notification of project commencement during the initial study and EIR process (PRC 21080.3.1, 21080.3.2).

Disposition of Human Remains (Health and Safety Code, Section 7050.5)

When an initial study identifies the existence, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native American groups or individuals as identified by the NAHC as provided in Public Resources Code 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials. Furthermore, Section 7050.5 of the California Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the county coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the NAHC.

Native American Graves Protection and Repatriation Act

California Health and Safety Code Sections 8010-8011 establishes a State repatriation policy intent that is consistent with and facilitates implementation of the federal Native American Graves Protection and Repatriation Act. The Act strives to ensure that all California Indian human remains and cultural items are treated with dignity and respect. It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California. It also states the intent for the State to provide mechanisms for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims and getting responses to those claims.

California Public Resources Code

Sections 5097–5097.6 of the California Public Resources Code outline the requirements for cultural resource analysis prior to the commencement of any construction project on state lands. The State

agency proposing the project may conduct the cultural resource analysis or they may contract with the State Department of Parks and Recreation. In addition, this section stipulates that the unauthorized disturbance or removal of archaeological, historical, or paleontological resources located on public lands is a misdemeanor. It prohibits the knowing destruction of objects of antiquity without a permit (expressed permission) on public lands and provides for criminal sanctions. This section was amended in 1987 to require consultation with the California NAHC whenever Native American graves are found. Violations for the taking or possessing remains or artifacts are felonies.

The Public Resources Code Section 5097.9-991, regarding Native American heritage, outlines protections for Native American religion from public agencies and private parties using or occupying public property. Also protected by this code are Native American sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines located on public property.

California Health and Safety Code

Section 7052 of the California Health and Safety Code makes the willful mutilation, disinterment, or removal of human remains a felony. Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the NAHC.

Local Regulations

City of Belmont General Plan

The 1982 Belmont General Plan includes a Conservation Element with a policy relating to historical resources: “The City encourages private and public efforts to preserve, restore, and continue use of historical structures in the community to the extent possible (Conservation Element, Policy 11).” The General Plan Update (part of the Proposed Project) would replace the City’s current General Plan.

San Mateo County General Plan

The San Mateo County General Plan includes goals relating to historic resources protection; rehabilitation of historic structures; protection of archaeological/paleontological sites; historic resources inventory; planning and historic preservation; and public awareness that are supported by the policies below. Until such time as the unincorporated Harbor Industrial Area (the area in Belmont’s Sphere of Influence) is annexed, this area is subject to the San Mateo County General Plan and Zoning Regulations.

General Policies

- 5.10 **Educational Programs.** Encourage cooperative educational programs by educational and historic groups.
- 5.11 **Recognition of Historic Resources.**
 - a. Identify high priority resources in the comprehensive inventory and apply for their designation as State Point of Historic Interest, State Historical Landmark, or inclusion in the National Register of Historic Places.

- b. Establish historic districts for areas which include concentrations of historic resources found in the comprehensive inventory.
- 5.12 **Rehabilitation of Historic Structures.** Encourage the rehabilitation and recycling of historic structures.
- 5.13 **Use of Innovative Techniques.** Encourage the use of innovative techniques such as density transfer, façade easements, etc., to protect historic structures.
- 5.14 **Registration of Significant Archaeological/Paleontological Sites.** Recommend State and/or national register status for significant archaeological/paleontological sites.

REGULATION OF DEVELOPMENT

Action 5.12-2.a Protection of Historical Resources

- 5.15 **Character of New Development.**
 - a. Encourage the preservation and protection of historic resources, districts and landmarks on sites which are proposed for new development.
 - b. Ensure that new development in historic districts is compatible in bulk, height, material and design with that of the historic character and qualities of the district.
 - c. Encourage the use of the Secretary of the Interior's guidelines and standards for rehabilitation of historic structures by: (1) those undertaking the rehabilitation of historic structures, and (2) those responsible for the architectural review and permit approval.
- 5.16 **Demolition of Resources.** Discourage the demolition of any designated historic district or landmark.
- 5.17 **Designation of Historic Resources.** Establish criteria and procedures for the designation of County landmarks and districts. Include a provision requiring approval to alter, demolish or relocate designated landmarks or districts.
- 5.18 **Development of County Historic Sites.** Develop County-owned historic sites in park and recreation areas in accordance with the performance criteria and development standards contained in Appendix D of this Chapter [in the San Mateo County General Plan].
- 5.19 **Economic Use.**
 - a. Encourage compatible and adaptive residential, commercial or public uses of historic structures as a means for their protection.
 - b. Permit commercial uses such as crafts, stores, bookshops and art shops if they preserve and enhance the resource.

Action 5.12-2.b Protection of Archaeological/Paleontological Resources

- 5.20 **Site Survey.** Determine if sites proposed for new development contain archaeological/paleontological resources. Prior to approval of development for these sites, require that a mitigation plan, adequate to protect the resources and prepared by a qualified professional, be reviewed and implemented as a part of the project.
- 5.21 **Site Treatment.**
 - a. Encourage the protection and preservation of archaeological sites.

- b. Temporarily suspend construction work when archaeological/paleontological sites are discovered. Establish procedures which allow for the timely investigation and/or excavation of such sites by qualified professionals as may be appropriate.
- c. Cooperate with institutions of higher learning and interested organizations to record, preserve, and excavate sites.

ROLE OF THE COUNTY

Action 5.12-2.c Preservation Techniques

5.22 **Comprehensive Inventory of Historical Resources.**

- a. Investigate all funding sources for developing a comprehensive inventory.
- b. Expand and maintain a comprehensive inventory of all historic resources located in both unincorporated and incorporated areas.
- c. Establish a hierarchy within the inventory by which the more significant resources and those requiring additional measures to ensure their preservation are identified.
- d. Coordinate with the State Historic Preservation Officer, cities and historical groups in the development of the inventory.
- e. Request the Historic Resources Advisory Board to review the inventory annually to ensure that all structures and sites are included and that the list is current.

5.23 **Acquisition of Structures.** Encourage and coordinate efforts with groups to acquire structures of historic merit in order to prevent their loss and/or promote their adaptation for other uses.

5.24 **Historic Preservation Certification.** Seek certification of the County Preservation Program by the Secretary of the Interior in order to take advantage of and participate directly in the Federal preservation programs.

Action 5.12-2.d Archaeological and Paleontological Resources

5.25 **Archaeological/Paleontological Resource Data Base.** Maintain and update a comprehensive archaeological/paleontological data base.

5.26 **Discovering Unrecorded Archaeological/Paleontological Sites.** Support comprehensive studies to discover unrecorded archaeological and paleontological sites, particularly in areas under pressure for development.

PROGRAM RESPONSIBILITIES

5.27 **Role of the Historic Resources Advisory Board.**

- a. Serve as an advisory body to the Planning Commission and Department on implementation of the Historic Resources Chapter.
- b. Advise the Board of Supervisors, Parks and Recreation Commission, Planning Commission, and other appropriate County Departments on all matters pertaining to the recognition, acquisition, preservation designation and alteration of historic resources in San Mateo County.
- c. Advise the Board of Supervisors on methods of funding from Federal, State and private sources for historic preservation.

- d. Review and recommend on the implementation of appropriate legislation at the Federal, State or local level that deals with historic preservation.
- e. Review and recommend to the Planning Commission and Board of Supervisors all applications for registration of historic resources as Points of Historical Interest, State Historic Landmarks and National Register of Historic Places.
- f. Act as a coordination body for various historic preservation activities of public agencies, civic groups, and citizens interested in historic preservation.
- g. Promote public information programs which explain the advantages of historic preservation by sponsoring exhibits, lectures and meetings on the subject.
- h. Develop increased public awareness of the County's heritage to foster widespread support and understanding for the need to preserve historical resources.
- i. Inform property owners of historic structures of the financial benefits of preservation.
- j. Review and update the inventory of historic resources.

San Mateo County Zoning Regulations

San Mateo County published its first Zoning Ordinance in 1933, and the Zoning Regulations were last updated in December 2015. Until such time as the unincorporated Harbor Industrial Area (the area in Belmont's Sphere of Influence) is annexed, this area is subject to the San Mateo County General Plan and Zoning Regulations. The Regulations preserve historic landmarks and districts (Chapter 24 Use Permits).

City of Belmont Buildings Ordinance, Structures of Historic or Aesthetic Value Article

The City of Belmont has a buildings ordinance that preserves, enhances, and perpetuates buildings, structures, and areas having special historical or aesthetic interest or value which contribute to community aesthetics and identity (Chapter 7, Article VII). The ordinance prescribes the procedure for altering, relocating, and demolishing structures so classified.

4.4.2 Impact Analysis

SIGNIFICANCE CRITERIA

Implementation of the Proposed Project would have a potentially significant adverse impact if it would:

- Criterion 1:** Cause a substantial adverse change in the significance of a historic resource, defined as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historic resource would be materially impaired. (CEQA Guidelines Section 15064.5)
- Criterion 2:** Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines Section 15064.5.
- Criterion 3:** Disturb any human remains, including those interred outside of formal cemeteries.

Criterion 4: Destroy, directly or indirectly, a unique paleontological resource or site or unique geologic feature.

Criterion 5: Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that meets the criteria set forth in subdivision (a) of Public Resources Code section 21074.

METHODOLOGY AND ASSUMPTIONS

The cultural resources analysis identifies the potential impacts of the Proposed Project on archaeological, historical, and other cultural resources within the Planning Area. The analysis utilized the City of Belmont's Historic Resources Inventory, last conducted in 1991, that identifies 52 historical buildings and structures. Additional known archaeological, historical, and cultural resources were identified through a comprehensive record search by CHRIS in December 2014; this search identified additional historical resources as well as two prehistoric archaeological sites. This methodology recognizes that important cultural resources may be encountered during ground-disturbing construction work on future development projects that involve physical construction. Since the extent of ground disturbance associated with future development is unknown at this time, it is not possible to assess specific cultural resource impacts based on the Proposed Project. For the same reasons, the analysis does not distinguish between regulatory conditions for privately- and publicly-owned land. Accordingly, no project-specific reviews or field studies are undertaken for this program EIR.

Tribal Consultation

As part of the General Plan update process, the NAHC conducted a record search of the sacred lands file in 2014. The search did not indicate the presence of additional Native American cultural resources within the Planning Area. The NAHC response listed five tribes that may have historic ties to the Planning Area, and letters of inquiry were sent to the five tribal representatives; however, no responses were received.

Historical Evaluation of the Belmont Firehouse

Archaeological Resource Management conducted a historical evaluation of the Belmont Firehouse in October 2014, which was determined to be historically significant. To mitigate effects that development at Firehouse Square could have on this significant cultural resource, Archaeological Resource Management identified possible strategies, such as retaining the structure the way it was at the time of the evaluation, integrating the primary original portion of the front façade of the structure, photodocumenting the structure prior to demolition, or relocation of the building.

IMPACT SUMMARY

Implementation of the Proposed Project could result in substantial adverse effects on historic, archaeological, and paleontological resources. These impacts could occur through future ground-disturbing activities such as grading and excavation, or the demolition of resources. However, as described below, the Proposed Project includes goals and policies that focus on preserving and

protecting significant historical, archaeological, paleontological, and Tribal Cultural resources. Therefore, with implementation of the Proposed Project goals and policies, all impacts would be less than significant.

IMPACTS AND MITIGATION MEASURES

Impact

- 4.4-1 Implementation of the Proposed Project would not cause a substantial change to the significance of a historical resource, defined as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historic resource would be materially impaired (Guidelines Section 15064.5). (*Less than Significant with Mitigation*)**

Impact of Proposed General Plan, Phase I Zoning, and Climate Action Plan

Belmont has three sites on Ralston Avenue listed on the National Register of Historic Resources: Ralston Hall, Chapel/Conference Center, and Carriage House/Art Center. Eight properties within the Planning Area were identified as eligible for the National Register of Historic Resources. Four properties are listed on the California Office of Historic Properties Directory. In addition to these sites, Belmont has local historical landmarks, described in the Environmental Setting section. Each of these sites are located on parcels with an urban land use designation in the proposed General Plan. Outside of the BVSP Area, the proposed General Plan and Phase I Zoning do not change the land use designation or zoning district of any identified historical resources.

Although implementation of the proposed General Plan and Phase I Zoning may result in actions that could adversely affect historic resources, the General Plan includes policies that would minimize or avoid impacts to historical resources by requiring the protection and preservation of such resources. Policy 2.23-1 updates the City's inventory of historic resources to ensure that historic resources are preserved and protected in Belmont; Policy 2.23-2 ensures that City ordinances adequately recognize and protect historic resources; Policy 2.23-3 considers creating a Historic Preservation Commission to administer and advise on historic preservation matters, such as updating the inventory of historic resources and updating the historic preservation ordinance; and Policy 2.23-4 encourages adaptive reuse of historic structures. Implementation of these policies would help to minimize or avoid impacts to historical resources. In addition, historic resources in the city are subject to the Structures of Historic or Aesthetic Value Article within Belmont's Buildings Ordinance (Municipal Code Chapter 7, Article VII), which includes criteria for including resources in the city's historic resources inventory and procedures for designating those resources as historical. The Buildings Ordinance also requires permits to work on a historic resource.

The Proposed Project's Climate Action Plan (CAP) will not result in an adverse effect on any historical resources. Any development or renewable energy installation or retrofit as a result of implementing the CAP would be subject to the same policies and regulations as any other project. The Building Ordinance will still require a permit for any work on a historic resource, and General Plan Policy 2.23-2 would still ensure that City ordinances protect historic resources, regardless of the financial incentives for renewable energy installation that exist under the CAP.

As a result of implementation of the proposed General Plan policies, the impact of the General Plan, Phase I Zoning, and CAP would be less than significant.

Impact of Belmont Village Specific Plan and Village Zoning

The General Plan Policies discussed above apply within the BVSP Area. The BVSP Area includes multiple historic resources, including the Waltermire Historic District, the Firehouse Building, the Redwood Gothic Church of the Good Shepherd, and the Emmett house. In order to minimize or avoid impacts to historical resources in the BVSP Area, BVSP Policy 2.2-1 promotes reuse of historic buildings and structures in the City's Historical Resources Inventory, which helps preserve these resources if economically viable. Of the historic resources identified in the BVSP Area, Firehouse Square is the only site anticipated to redevelop under the BVSP. BVSP Policy 2.2-3 requires any development proposal at Firehouse Square to be reviewed and evaluated by a qualified architectural historian. However, as reuse of the existing building is not required, the impact of the BVSP and Village Zoning is significant, as there exists a potential for a historic resource's significance to be impaired.

Mitigation Measure CULT-1 requires any project applicant proposing physical changes to the Firehouse Building to maintain the existing structure's historic Spanish façade, while Mitigation Measure CULT-2 requires such a project to include detailed signage with historical information about the site, consistent with the recommendations of the historical evaluation prepared for the resource. The impact of the BVSP and Village Zoning, after Mitigation Measures CULT-1 and CULT-2, is less than significant.

Proposed General Plan Policies that Would Reduce the Impact

Land Use Element

- 2.23-1 Update the City's inventory of historic resources to ensure that historic resources are preserved and protected in Belmont.
- 2.23-2 Ensure that City ordinances adequately recognize and protect historic resources.
- 2.23-3 Consider creating a Historic Preservation Commission to administer and advise on historic preservation matters, such as updating the inventory of historic resources and updating the historic preservation ordinance.
- 2.23-4 Encourage adaptive reuse of historic structures – preserving their original design and character – as an option for preserving sites that are threatened with demolition or degradation.

Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact

Land Use Chapter

- 2.2-1 **Reuse of Historic Resources.** Promote reuse of historic buildings and structures in the City's Historical Resources Inventory, in accordance with the standards in the Municipal Code.

- 2.2-3 **Firehouse Square.** Allow redevelopment to occur at the site of the old Firehouse Building. Any development proposals at Firehouse Square shall be reviewed and evaluated by a qualified architectural historian.

Proposed Climate Action Plan Measures that would Reduce the Impact

There are no strategies in the Climate Action Plan that relate to this topic.

Mitigation Measures

Mitigation Measure CULT-1: Require façade maintenance of the Firehouse Building. Any approved project development that involves physical changes to the Firehouse Building will be required to maintain the recognizable portion of the existing structure’s Spanish façade and integrate it into the new structure with complementary architecture.

Mitigation Measure CULT-2: Require historical signage at Firehouse Square. Any approved project development that involves physical changes to the Firehouse Building will be required to include detailed signage with historical information for residents, employees, and passers-by about the old Firehouse.

Impact

- 4.4-2 Implementation of the Proposed Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5. (*Less than significant*)**

Impact of Proposed General Plan, Phase I Zoning, and Climate Action Plan

Three prehistoric sites have been recorded in Belmont, as discussed in the Environmental Setting section above. Potentially unrecorded archaeological resources may exist in the City, particularly along Belmont and Laurel creeks, near wetlands areas, and in the foothill to valley ecotones. There are no archaeological sites currently listed on the National Register of Historic Places in Belmont.

Future development projects allowed under the Proposed Project may involve grading, excavation, or other ground-disturbing activities, which could disturb or damage unknown archaeological resources. Although implementation of the proposed General Plan may result in actions that could adversely affect archaeological resources, the General Plan includes policies and regulations that would minimize or avoid impacts by requiring the protection and preservation of such resources. Policy 5.12-1 requires mitigation for development on sites suspected of being archeologically significant, including the three identified prehistoric sites; and Policy 5.12-2 requires that, if archaeological resources are discovered during construction, an evaluation be completed before construction activities resume.

The Phase I Zoning does not have elements that are distinct from the overall Proposed Project as it relates to this impact.

The Proposed Project’s Climate Action Plan (CAP) will not result in adverse effect on any archaeological resources. Any development or renewable energy installation or retrofit as a result of implementing the CAP would be subject to the same policies and regulations as any other project.

As a result of implementation of the proposed General Plan policies and CAP measures as described above and listed below, as well as compliance with federal, State, and local regulations, the impact of the proposed General Plan, Phase I Zoning, and CAP would be less than significant.

Impact of Belmont Village Specific Plan and Village Zoning

The General Plan Policies discussed above apply within the BVSP Area, and the BVSP and the associated zoning regulations do not have elements that are distinct from the overall Proposed Project as it relates to this impact, except for BVSP Policy 2.2-2, which requires any unanticipated discovery of archeological resources to be evaluated by a qualified archeologist, as well as by any affected Native American tribes.

As a result of implementation of the policies and zoning regulations of the proposed General Plan, Phase I Zoning, CAP, and BVSP as described above and listed below, the impact of the proposed BVSP and associated zoning regulations would be less than significant.

Proposed General Plan Policies that Reduce the Impact

Conservation Element

5.12-1 Ensure that development avoids potential impacts to sites suspected of being archeologically, paleontologically, or culturally significant, tribal or otherwise, or of concern by requiring appropriate and feasible mitigation.

Action 5.12-1.a Establish guidelines and mitigation programs when sites of archaeological, paleontological, and/or cultural concern would be disturbed by development, including:

- Requiring a records review for development proposed in areas that are considered archaeologically or paleontologically sensitive;
- Determining the potential effects of development and construction on archaeological or paleontological resources (as required by CEQA);
- Requiring pre-construction surveys and monitoring during any ground disturbance for all development in areas of historical and archaeological sensitivity; and,
- Implementing appropriate measures to avoid the identified impacts, as conditions of project approval.

5.12-2 If archaeological, paleontological, or cultural resources, tribal or otherwise, are discovered during construction, require grading activity in the immediate area to cease and materials and their surroundings not to be altered or collected until evaluation by a qualified professional is completed.

- Action 5.12-2.b A qualified archaeologist or paleontologist must make an immediate evaluation and avoidance measures or appropriate mitigation should be completed, according to CEQA Guidelines.
- Action 5.12-2.b Use the State Office of Historic Preservation's recommendations for the preparation of Archaeological Resource Management Reports as guidelines.

Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact

Land Use Chapter

- 2.2-2 **Archeological and Paleontological Resources.** Require any unanticipated discovery of archeological or paleontological resources to be evaluated by a qualified archeologist or paleontologist. If the discovery is determined to be potentially significant, a treatment plan shall be developed in accordance with State law. For projects with large amounts of ground disturbance, consider requiring architectural monitoring. Any unanticipated discovery of resources of Native American origin requires consultation with and participation by tribes located within the project site.

Proposed Climate Action Plan Measures that would Reduce the Impact

There are no strategies in the Climate Action Plan that relate to this topic.

Mitigation Measure

None required.

Impact

- 4.4-3 **Implementation of the Proposed Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (*Less than Significant*)**

Impact of Proposed General Plan, Phase I Zoning, and Climate Action Plan

Implementation of the Proposed Project would not directly result in physical construction that could impact paleontological resources. However, future development and redevelopment allowed under the proposed General Plan and Phase I Zoning could result in direct or indirect impacts to paleontological resources. Although no paleontological resources in the Planning Area have been identified for protection, construction activities such as grading, excavation, and ground-disturbing activities may result in the accidental destruction or disturbance of paleontological sites. However, the majority of development anticipated under the Proposed Project will involve redevelopment of or new development within existing developed areas. Substantial excavation activities for installation of new infrastructure would be limited to new development in undeveloped areas; potential for this type of development does exist but is limited by the Proposed Project. Thus, the likelihood of finding new or undiscovered paleontological resources is limited. In addition, the General Plan includes Policy 5.12-1, which requires mitigation for development on sites suspected of being paleontologically significant; as well as Policy 5.12-2, which requires that, if paleontological resources are discovered during construction, an evaluation be completed before

construction activities resume. These policies would minimize or avoid impacts to paleontological resources.

The Proposed Project's Climate Action Plan (CAP) will not result in adverse effect on any paleontological resources. As discussed under Impact 4.4-1, any development or renewable energy installation or retrofit as a result of implementing the CAP would be subject to the same policies and regulations as any other project.

As a result of implementation of the proposed General Plan policies, Phase I Zoning regulations, and CAP measures as described above and listed below, as well as compliance with federal, State, and local regulations, the impact of the General Plan, Phase I Zoning, and CAP would be less than significant.

Impact of Belmont Village Specific Plan and Village Zoning

The General Plan Policies, Phase I Zoning, and CAP Measures discussed above apply within the BVSP Area, and the BVSP and the associated zoning regulations do not have elements that are distinct from the overall Proposed Project as it relates to this impact, except for BVSP Policy 2.2-2, which requires any unanticipated discovery of paleontological resources to be evaluated by a qualified paleontologist, as well as by any affected Native American tribes.

As a result of implementation of the policies and zoning regulations of the proposed General Plan, Phase I Zoning, CAP, and BVSP as described above and listed below, the impact of the BVSP and associated zoning regulations would be less than significant.

Proposed General Plan Policies that Reduce the Impact

Conservation Element

Policies 5.12-1, 5.12-2, as listed under Impact 4.4-2 above.

Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact

Land Use Chapter

Policy 2.2-2, as listed under Impact 4.4-2 above.

Proposed Climate Action Plan Measures that would Reduce the Impact

There are no strategies in the Climate Action Plan that relate to this topic.

Mitigation Measure

None required.

Impact

4.4-4 Implementation of the Proposed Project would not disturb any human remains, including those interred outside of formal cemeteries. (*Less than Significant*)

Impact of Proposed General Plan, Phase I Zoning, and Climate Action Plan

All future development in the Planning Area will be in accordance with State laws pertaining to the discovery of human remains. Accordingly, if human remains of Native American origin are discovered during project construction, the developer and/or the Planning Department would be required to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Pub. Res. Code Sec. 5097). If any human remains are discovered or recognized in any location on a project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- A. The San Mateo County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and
- B. If the remains are of Native American origin:
 - 1. The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or
 - 2. The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

Furthermore, proposed General Plan Policy 5.12-1 requires mitigation for development on sites suspected of being culturally significant, while Policy 5.12-2 requires that, if cultural resources are discovered during construction, an evaluation be completed before construction activities resume.

As described in the Environmental Setting, the known unmarked cemetery at Tower Road and Polhemus Road is outside the Planning Area itself, and therefore the Proposed Project will not result in disturbance of human remains in the unmarked cemetery.

The Proposed Project's Climate Action Plan (CAP) will not result in disturbance of human remains. As discussed under Impact 4.4-1, any development or renewable energy installation or retrofit as a result of implementing the CAP would be subject to the same policies and regulations as any other project.

The Phase I Zoning does not have elements that are distinct from the overall Proposed Project as it relates to this impact.

As a result of implementation of the proposed General Plan policies, Phase I Zoning regulations, and CAP measures as described above and listed below, as well as compliance with federal, state, and local regulations, the impact of the General Plan, Phase I Zoning, and CAP would be less than significant.

Impact of Belmont Village Specific Plan and Village Zoning

The General Plan Policies, Phase I Zoning, and CAP Measures discussed above apply within the BVSP Area, and the BVSP and the associated zoning regulations do not have elements that are distinct from the overall Proposed Project as it relates to this impact, except for BVSP Policy 2.2-2,

which requires, as a result of any unanticipated discovery of resources of Native American origin, consultation with and participation by tribes located within the project site.

As a result of implementation of the policies and zoning regulations of the proposed General Plan, Phase I Zoning, CAP, and BVSP as described above and listed below, the impact of the BVSP and associated zoning regulations would be less than significant.

Proposed General Plan Policies that Reduce the Impact

Conservation Element

Policies 5.12-1, 5.12-2, as listed under Impact 4.4-2 above.

Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact

Land Use Chapter

Policy 2.2-2, as listed under Impact 4.4-2 above.

Proposed Climate Action Plan Measures that would Reduce the Impact

There are no strategies in the Climate Action Plan that relate to this topic.

Mitigation Measure

None required.

Impact

4.4-5 Implementation of the Proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that meets the criteria set forth in subdivision (a) of Public Resources Code section 21074. (*Less than Significant*)

Impact of Proposed General Plan, Phase I Zoning, and Climate Action Plan

As discussed in the Physical Setting section, the City contacted five tribes to determine if any tribal cultural resources are located within the Planning Area, though no requests for consultation were received and no available evidence suggests tribal cultural resources are present that were not already identified as archeological or historical resources.

As discussed in the Regulatory Setting section, AB 52 defines a tribal cultural resource as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a “California Native American tribe,” that is either on, or eligible for inclusion in, the California Register of Historic Resources or a local historic register, or is a resource that the lead agency (in this case the City of Belmont), at its discretion and supported by substantial evidence, determines should be treated as a tribal cultural resource. All future development in the Planning Area will be in accordance with

AB 52, which provides tribes the right to formal consultation with project lead agencies, and requires tribal consultation if requests for consultation are subsequently received.

Additionally, as discussed under Impact 4.4-4, proposed General Plan Policy 5.12-1 requires mitigation for development on sites suspected of being culturally significant, while Policy 5.12-2 requires that, if cultural resources are discovered during construction, an evaluation be completed before construction activities resume.

The Phase I Zoning does not have elements that are distinct from the overall Proposed Project as it relates to this impact. The Proposed Project's Climate Action Plan (CAP) will not result in disturbance of any tribal cultural resources. As discussed under Impact 4.4-1, any development or renewable energy installation or retrofit as a result of implementing the CAP would be subject to the same policies and regulations as any other project.

As a result of implementation of the proposed General Plan policies, Phase I Zoning regulations, and CAP measures as described above and listed below, as well as compliance with federal, State, and local regulations, the impact of the General Plan, Phase I Zoning, and CAP would be less than significant.

Impact of Belmont Village Specific Plan and Village Zoning

The General Plan Policies, Phase I Zoning, and CAP Measures discussed above apply within the BVSP Area, and the BVSP and the associated zoning regulations do not have elements that are distinct from the overall Proposed Project as it relates to this impact, except for BVSP Policy 2.2-2, which requires, as a result of any unanticipated discovery of resources of Native American origin, consultation with and participation by tribes located within the project site.

As a result of implementation of the policies and zoning regulations of the proposed General Plan, Phase I Zoning, CAP, and BVSP as described above and listed below, the impact of the BVSP and associated zoning regulations would be less than significant.

Proposed General Plan Policies that Reduce the Impact

Conservation Element

Policies 5.12-1, 5.12-2, as listed under Impact 4.4-2 above.

Proposed Belmont Village Specific Plan Policies that Would Reduce the Impact

Land Use Chapter

Policy 2.2-2, as listed under Impact 4.4-2 above.

Proposed Climate Action Plan Measures that would Reduce the Impact

There are no strategies in the Climate Action Plan that relate to this topic.

Mitigation Measure

None required.

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